S.B.Cr.Misc. Bail App. No. 6166/2007
(Roopa Vs. State of Rajasthan)

Date of order : 17/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Ramesh Purohit, for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the statement of prosecutrix PW-5 recorded by Additional Sessions Judge, Fast Track, Pratapgarh on 9.11.2006.

In her statement, the prosecutrix stated that four persons came but she could not identify them. She categorically stated that even if those persons are produced before her, she is not able to identify them. She has been declared hostile.

Learned counsel for the petitioner submits that co-accused Bagdiram @ Banshi and Kanhaiyalal @ Kanha on the same set of evidence, have been acquitted by the Additional Sessions Judge, Fast Track, Pratapgarh vide order dated 4.12.2006 in Sessions Case No.80/06.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Roopa S/o Nathu Lal Meena be released on bail in FIR No. 307/2005 P.S. Pratapgarh, provided he

executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP